

TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
REGULAR/BUDGET MEETING

JANUARY 22, 2011

REGULAR MEETING POSTPONED FROM JANUARY 18, 2011, DUE TO WEATHER
CONDITIONS

The Meeting was called to order at 10:32 a.m. by President Kuser. The Salute to the Flag was recited, followed by an Invocation given by Councilman Fitzpatrick. The Open Public Meetings Act Statement was read by Township Clerk Donna Costello. Mrs. Costello noted that the meeting, along with the usual postings, was posted on the front door of the Municipal Building since it was postponed from the snowed-out Tuesday night meeting date.

ROLL CALL: ANDES, FITZPATRICK, GOLINSKI, SHAW, SMITH, KUSER

ABSENT: STECKY

ALSO IN ATTENDANCE: MAYOR HUSSA, ADMINISTRATOR WARD, CMFO MARIE GOBLE, FACILITIES MANAGER CIARDI AND TOWNSHIP ENGINEER ROSANIA.

LIAISON REPORTS:

Councilman Golinski reported that he attended the Municipal Alliance Committee (MAC) meeting last week and also visited the Fire Department.

Councilman Shaw noted that he attended the Senior Citizens' meeting and all is going well.

Councilwoman Smith had no report.

Councilman Fitzpatrick reported that the Planning Board held its re-organization meeting last week and that there is not much to discuss on that. He noted that the Council met this morning with the Library Board to go over their budget and that will be discussed further in the Council's workshop meetings over the next several weeks.

Councilman Andes had no report.

President Kuser advised that there is an opening on the Board of Adjustment due to the retirement of one of its members. He said that the Council will be accepting applications to fill that position. Mr. Kuser noted that anyone wishing to apply for the position must send a resume to Clerk Costello for the Council's review.

MAYOR'S REPORT:

Mayor Husa stated that he has no formal report but he advised that, every year, a person is appointed to work with Mary Ann Cuneo on the CDRS committee. It was noted that Nick Saccamano currently works with Ms. Cuneo, representing the community, but a Council Liaison is needed as well. Councilwoman Smith replied that she is the Liaison to Community Development.

Councilman Stecky arrived at 10:36 a.m.

ADMINISTRATOR'S REPORT:

Administrator Ward advised that a statistical report on the Dial-A-Ride program, which

is the Department of the Month for January, is attached to the agenda. He said that if there are any questions regarding Dial-A-Ride the Council may give them to him and he will obtain the information from Ms. Glennon. Mr. Ward noted that, in looking at the call volume, he sees that the Department does a very good job and it is a very successful program.

Mr. Ward advised that he asked Attorney DeBona to provide a copy of the sewer assessment procedures and he received that on January 14th. He said that a copy of that document was provided to the Council. Mr. Ward noted that, at this time, the CFO and project Engineer are working on a certification of the costs for the sewer project. He said that it will come to the Council and then be forwarded to the Sewer Assessment Committee for public hearings on the sewer assessment. Mr. Ward advised the Council that it will be coming forward within the next month or so.

Administrator Ward reported that an application was made to the Board of Adjustment by N. J. Transit regarding erecting a billboard on Route 80. He said that the proposed billboard would be 103 feet high. Mr. Ward noted that he and the Mayor have met with N. J. Transit to try to encourage them to come back with a proposal that is a little bit more in conformance with our sign ordinance. He said that they have already agreed to reduce the frontage and will come back to us with regard to reducing the height.

Administrator Ward advised that they are going to try and do this administratively and N. J. Transit will delay its Planning Board hearing. He noted that our legislators also sent letters to N. J. Transit requesting that they work with the Township on the conformance of the billboard.

OPEN PUBLIC PORTION: No one wished to be heard.
CLOSE PUBLIC PORTION.

CORRESPONDENCE: All copied to Council.

MATTERS OF OLD AND/OR NEW BUSINESS:

Councilman Fitzpatrick asked, with regard to billboards, what kind of control we have over the content of billboards.

Mr. Ward replied that he had assumed that the billboard would be an ad for N. J. Transit but, when he met with them, he discovered that it is a revenue-producing project for N. J. Transit. He said that they plan to sell advertising space to various businesses and that they do have a department dealing specifically with content. Mr. Ward reported that he was advised that the space is typically leased by banks and cell phone carriers and he does not think that the municipality would have any control over that, once the billboard is erected.

Mr. Fitzpatrick expressed concern about the content and said that it is something that the Council should keep in mind.

Councilman Andes asked if it is intended to be an electronic billboard.

Mr. Ward replied that, initially no, it is to be a static billboard but, the structure that is

being proposed would be able to support an electronic billboard in the future.

Mr. Andes commented that he is opposed to electronic billboards, particularly on the highway, since the distraction could lead to accidents.

Councilwoman Smith agreed with Mr. Andes.

Councilman Shaw stated that he recently read that school buses are now being used for advertising and he suggested that advertising could be sold for Township vehicles to bring in some revenue. He said that he is not aware of the legal aspects but it could be investigated.

Administrator Ward said that he will look into it.

Councilman Fitzpatrick noted that there are companies that specialize in that type of advertising.

Councilwoman Smith interjected that Outdoor Media is a company that does a lot of that advertising.

President Kuser stated that he knows that the Christmas snow storm was charged to last year's snow budget but he asked how we are so far in the snow budget.

CFO Goble replied that we are still in budget for this year and that we also have had the foresight to reserve money each year, and do have that reserve for snow. She said that she does not think we will have to increase what we are appropriating in this year's budget. Mrs. Goble added that she and Mr. Ward will be looking at the final figures for 2010, after all of the bills have been satisfied, and use the 2010 budget to replenish some of the reserve that we are using. She advised that they will be doing the same thing with the 2010 budget to replenish the reserve for sick, since we have had several retirements, which required sick-time payout from the reserve. Mrs. Goble noted that all transfers must be done by March 31st from the prior year's budget. She said that, at the last meeting in March, she will present a report to the Council on where we ended up, what we are doing and why we are doing it.

Mr. Ward explained that the State now allows municipalities to set up a Snow Removal Trust Fund. He said that they only instituted that five or so years ago and it gives towns the ability, in years of minimal snow, to bank the snow removal funds for a year.

Mrs. Goble added that, in December of 2010, funds were encumbered for salt and supplies and a purchase order was cut.

Administrator Ward noted that the snow storms that we have had have come mostly during working hours, which has cut down on the amount of over-time that had to be paid.

ORDINANCE(S) FOR ADOPTION:

#33-10 LIGHTING & HVAC UPGRADES

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE PROVIDING FOR LIGHTING AND H.V.A.C. ENERGY SAVING UPGRADES IN THE AMOUNT OF \$68,533.00

BE READ BY TITLE ON SECOND READING AND A HEARING HELD THEREON:

MOTION TO READ BY TITLE: MOVED BY MEMBER SMITH, SECONDED BY

MEMBER FITZPATRICK

Discussion: Councilman Shaw asked where the money is coming from for this project. CFO Goble replied that there is grant money and money from our Capital Improvement Fund. She added that ordinances, for projects that were never started, will be canceled and the funds covered in those ordinances will be used to replenish the Capital Improvement Fund.

AYES: SMITH, FITZPATRICK, SHAW, ANDES, STECKY, GOLINSKI, KUSER

OPEN PUBLIC HEARING ON #33-10: No one wished to be heard.
CLOSE PUBLIC HEARING.

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE PROVIDING FOR LIGHTING AND H.V.A.C. ENERGY SAVING
UPGRADES IN THE AMOUNT OF \$68,533.00
BE PASSED ON FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE
PUBLISHED IN THE 1-26-11 ISSUE OF THE CITIZEN
MOTION TO ADOPT: MOVED BY MEMBER SMITH, SECONDED BY MEMBER
ANDES

AYES: SMITH, ANDES, FITZPATRICK, SHAW, STECKY, GOLINSKI, KUSER

ORDINANCE(S) FOR INTRODUCTION:

#1-11 OPEN SPACE ACQUISITION

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND
STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF A PORTION OF
BLOCK 41301, LOT 8

BE INTRODUCED AND READ BY TITLE ON FIRST READING:

MOTION TO INTRODUCE: MOVED BY MEMBER STECKY, SECONDED BY
MEMBER SHAW

Discussion: Councilman Golinski asked if the Council hadn't talked about including the street address when these open space acquisition ordinances are addressed. He said that it makes it easier for the Council and the public to identify the location. The Mayor replied that he can get that information for the Council. Mr. Golinski asked what property this is. The Clerk advised that it is the Fels property. The Mayor added that it is on Broad Street and he thinks it is #79.

Mr. Golinski stated that he thinks it would be helpful to include that information whenever dealing with open space properties.

Mrs. Smith suggested that the address should be in the title of the ordinance, so that when it is published, the residents will recognize the location of the property.

Clerk Costello said that she will ask the attorney to include the address in all future ordinances dealing with open space.

AYES: STECKY, SHAW, ANDES, FITZPATRICK, SMITH, GOLINSKI, Kuser

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND
STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF A PORTION OF
BLOCK 41301, LOT 8
BE PASSED ON FIRST READING
AND BE IT FURTHER RESOLVED THAT SAID ORDINANCE SHALL BE
CONSIDERED FOR FINAL PASSAGE AT THE MEETING OF THE MUNICIPAL
COUNCIL OF THE TOWNSHIP OF DENVILLE ON 2-15-11 AT 7:30 P.M. IN THE
EVENING PREVAILING TIME, AT THE MUNICIPAL BUILDING IN SAID TOWNSHIP
OF DENVILLE AT WHICH TIME AND PLACE ALL PERSONS INTERESTED SHALL
BE GIVEN AN OPPORTUNITY TO BE HEARD CONCERNING SAID ORDINANCE.
BE IT FURTHER RESOLVED THAT THE MUNICIPAL CLERK BE AUTHORIZED AND
DIRECTED TO ADVERTISE THIS ORDINANCE IN THE CITIZEN ACCORDING TO
LAW
MOTION TO PASS ON FIRST READING: MOVED BY MEMBER STECKY,
SECONDED BY MEMBER SHAW
AYES: STECKY, SHAW, FITZPATRICK, ANDES, SMITH, GOLINSKI, KUSER

President Kuser asked if anyone from the Council or the public wished to have anything removed from the Consent Agenda. No one responded.

CONSENT AGENDA:

- R-11-14 RESOLUTION AUTHORIZING ISSUANCE OF SPECIAL ONE DAY ABC LIQUOR LICENSE
- R-11-15 RESOLUTION AUTHORIZING ADVERTISING FOR BIDS FOR WATER FITTINGS AND VALVES
- R-11-16 RESOLUTION AUTHORIZING RAFFLE LICENSES IN THE TOWNSHIP OF DENVILLE FOR OUR LADY OF MT. CARMEL SCHOOL AND CELEBRATE THE CHILDREN SCHOOL
- R-11-17 RESOLUTION AUTHORIZING A REFUND OF A COAH DEVELOPMENT FEE IN THE AMOUNT OF \$79.00
- R-11-18 RESOLUTION AUTHORIZING A REFUND OF A COAH DEVELOPMENT FEE IN THE AMOUNT OF \$450.00
- R-11-19 RESOLUTION AUTHORIZING WAIVER OF TOWNSHIP OF DENVILLE FEES FOR VETERANS OF FOREIGN WARS POST #2519
- R-11-20 RESOLUTION AUTHORIZING REFUND OF HEALTH DEPARTMENT FEE IN THE AMOUNT OF \$13.80
- R-11-21 RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF \$571.37
- R-11-22 RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF \$153.54

R-11-23 RESOLUTION REFUNDING THE PAYMENT OF TAXES OVERPAID
FOR CALENDAR YEAR 2010 IN THE AMOUNT OF \$250.00
MOTION TO APPROVE CONSENT AGENDA: MOVED BY MEMBER SMITH,
SECONDED BY MEMBER STECKY
AYES: SMITH, STECKY, ANDES, FITZPATRICK, SHAW, GOLINSKI, KUSER

NON-CONSENT RESOLUTIONS:

R-11-24 RESOLUTION OF THE TOWNSHIP OF DENVILLE, COUNTY OF
MORRIS AND STATE OF NEW JERSEY CONFIRMING THE SALE OF
VARIOUS ITEMS OF MUNICIPAL PROPERTY NO LONGER NEEDED
FOR PUBLIC USE RELATIVE TO GOV-DEALS AUCTION
MOTION TO APPROVE R-11-24: MOVED BY MEMBER ANDES, SECONDED BY
MEMBER SMITH
AYES: ANDES, SMITH, FITZPATRICK, SHAW, STECKY, GOLINSKI, KUSER

R-11-25 RESOLUTION AWARDED PROFESSIONAL SERVICES CONTRACT
TO E.I. ASSOCIATES FOR PHASE II AND PHASE III WORK
ASSOCIATED WITH THE RENOVATIONS OF THE EXISTING
TOWNSHIP POLICE DEPARTMENT PROJECT
MOTION TO APPROVE R-11-25: MOVED BY MEMBER SHAW, SECONDED BY
MEMBER STECKY

Discussion: Councilwoman Smith asked if this is for the additional work. CFO Goble replied that this is for the approved work covered by the \$800,000 bond ordinance that was passed. Mrs. Smith noted that the description says Phase II and Phase III work. Mr. Kuser commented that he thinks that Phase I was the feasibility study that E. I. did. Mrs. Goble said that is correct. Administrator Ward interjected that it is nothing beyond what was approved by the Governing Body.

Councilman Stecky stated that he wants to make it clear that he is not in support of this project and has not been from the start. He said that he recognizes the need to do something with the Police Station and, in fact, feels that it needs to be enlarged. Mr. Stecky noted that his point has always been that this is not a good time due to the bad economics on all levels. He said that he will vote no.

Councilwoman Smith said that, to clarify her position, she has been against the bifurcation of this project into two phases because, in the long run, it costs the taxpayer more money. She said that, if the whole project were to be done at one time, the increase to the taxpayer would have been the same. Mrs. Smith reiterated that she is against splitting up the project.

Mr. Stecky added that Chief Wagner has already said that the day this goes through he will be before the Council looking for additional money to do the rest of the work that he thinks he needs.

President Kuser stated that he didn't think that we needed to add on to our Police Station because, the way the economy was going, we will have fewer police officers. He

said that, looking into the budget we see that there are fewer police in our town, so he did not see the need to expand our Police building, just the need to renovate it. Councilman Fitzpatrick added that, from the beginning, he was not at all in favor of the complete renovation, and believed that this was the best route to go. He said that spending money is tough but something has to be done immediately and that is why he is in favor of this.

Councilman Shaw stated that, quite frankly, he thinks it is a dump over there. He said that anyone can vote no all they want but they wouldn't go to work in those conditions. Mr. Shaw challenged the members to compare the working conditions in their own workplace with those of the Denville Police Department. He said that he doesn't care what anyone votes, but it needs to be done.

Mr. Stecky commented that he works for the Army as a consultant and his cubicle is a lot worse or, at least, no better than what the Police have right now. He said that the fact that these people have it tough, so do we in the Army and money is tight but he gets by.

AYES: SHAW, ANDES, FITZPATRICK, GOLINSKI, KUSER

NAYS: STECKY, SMITH

R-11-26 RESOLUTION AWARDED PROFESSIONAL SERVICES CONTRACT TO BRICKER & ASSOCIATES, INC. FOR THE WORK ASSOCIATED WITH THE MAINTENANCE OF THE TOWNSHIP'S TAX MAP

MOTION TO APPROVE R-11-26: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER SHAW

DISCUSSION: No one wished to be heard.

AYES: GOLINSKI, SHAW, ANDES, FITZPATRICK, SMITH, STECKY, KUSER

R-11-27 RESOLUTION AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF ROCKAWAY AND THE TOWNSHIP OF DENVILLE FOR PROFESSIONAL HEALTH SERVICES 2011-2012

MOTION TO APPROVE R-11-27: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER SMITH

AYES: GOLINSKI, SMITH, STECKY, SHAW, FITZPATRICK, ANDES, KUSER

R-11-28 RESOLUTION AUTHORIZING CHANGE ORDER #1 FOR ADDITIONAL WORK BY HATCH MOTT MACDONALD IN CONNECTION WITH THE CONSTRUCTION PHASE OF THE SEWER EXTENSION PROJECT - LOWER AND UPPER KITCHELL ROAD AND OPENAKI/FRANKLIN ROADS IN THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY

MOTION TO APPROVE R-11-28: MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER ANDES

DISCUSSION: Councilwoman Smith asked what the amount is and asked if it should be printed on this resolution. Administrator Ward replied that it is not to exceed \$30,000 and part of it relates to the work Hatch Mott did in pursuing DCM, the old contractor for this phase of the project. He said that, in speaking with Attorney DeBona, this will be treated as a liquidated damage against their bonding company in order for us to recoup the money. CFO Goble added that there have also been discussions with Ms. DeBona concerning the recouping of any additional fees we may have incurred with her, and with the engineer, because of the situation with DCM.

AYES: FITZPATRICK, ANDES, SMITH, STECKY, GOLINSKI, KUSER

ABSTAIN: SHAW

MOTION TO APPROVE MINUTES OF 11-9-10, 11-23-10, 12-7-10, 12-21-10 AND 1-04-11: MOVED BY MEMBER SMITH, SECONDED BY MEMBER ANDES

AYES: SMITH, ANDES, FITZPATRICK, SHAW, STECKY except for 12-7-10,

GOLINSKI, KUSER

ABSTAIN: STECKY FOR 12-7-10.

President Kuser asked Mr. Ward if this meeting should be adjourned before starting the budget hearing.

Councilwoman Smith asked if R-11-29 will be addressed.

Clerk Costello explained that R-11-29 is a resolution authorizing Closed Session and is being removed from the Agenda.

Administrator Ward noted that it will be added to the February 1st meeting. He said that he will defer to Clerk Costello as to whether this meeting needs to be adjourned before beginning the budget meeting.

Clerk Costello replied that it can be carried through to the budget meeting.

BUDGET HEARING

ENGINEERING

Administrator Ward noted that he provided copies of various budgets to the Governing Body at the start of this meeting. He said that the auditors finished their work here last week and are finalizing the annual financial statement with Mrs. Goble. Mr. Ward advised that it should be ready sometime early next week. He said that, at that time, he, Mayor Hussa and CFO Goble will be sitting down and finalizing the actual budget binder in order for the Council to have the binder in advance of the next budget hearing on February 3rd. The Administrator noted that he has provided the budgets for Engineering, Planning Board, Board of Adjustment, Shade Tree and Road paving. He suggested that the Council go through the operating budgets first because a lot of the discussion will likely be on the capital portion. Mr. Ward advised that Engineer Rosania is present to answer questions regarding the road resurfacing and other capital items that he posted as part of his budget.

Administrator Ward stated that he and the Mayor went out and viewed the roads on the list and have sent a memo noting their priorities. Mr. Kuser asked about the memo from Mr. Ward and the Mayor and was advised it is in the packet with the road list.

Mr. Ward noted that the roads in the Beaver Brook area, where the water main project is moving forward, will be resurfaced with funds remaining in the sewer bond.

Administrator Ward explained the set-up of the budget sheets in order for the Council to more easily follow his re-cap. He advised that the 11.1 is the percentage of increase or decrease between the Proposed Dept. 2011 Budget and the Recommended 2011 Budget. He said that the principal reason is that there was a reduction of staff on July 1, 2010 and that accounts for a large portion of the decrease. Mr. Ward added that, in going through all of the department budgets, each department's budget is actually reduced. He suggested that the Capital Budget page be discussed with Mr. Rosania since it consists mainly of the road resurfacing program.

Councilwoman Smith commented that, knowing that we are in negotiations, calculating salary increases or decreases, she sees that there are increases that range from 1% to 5%. She said that she thinks she can ask about titles.

Mrs. Goble replied that she does not think that should be discussed. Mr. Kuser interjected that there are step increases. Mrs. Goble added that it is step increases for some people, which the Council will see, even when we get to other departments. She said that even bigger increases will be seen in other departments due to step increases and for certifications that were achieved in a certain year resulting in an increase in the base pay in the next year. It was determined that this issue should be discussed in closed session.

Mrs. Smith noted that there was a significant decrease in legal fees in the Planning Board budget and she does not know what we are looking at going forward.

Mrs. Goble advised that Mr. Ward will go over that line item when we get to that budget. Councilman Fitzpatrick stated that he noticed on almost all of the budget sheets that the same amount is being budgeted, even though we are considerably below the previous amount.

Mrs. Goble replied that, if we don't budget any extra, there will be nothing extra to budget from when we need to make transfers. She explained that if we make the budget exact, with no extras, we will have no funds at the end of the year to replenish items like unanticipated emergencies. Mrs. Goble added that there is not a huge difference on most of them. She cited unexpected litigation as an example of needing those extra funds.

Councilwoman Smith elaborated on Mrs. Goble's explanation of the need for extra funds being built into the budget.

Mr. Fitzpatrick stated that he totally understands estimating but a few of the items were about \$10,000 over. He said that he knows that there needs to be a little padding but, with times being tough, he thought we could make it a little tighter.

Councilman Golinski asked for clarification of the column headed "Final 2011 Budget" since it differs by \$55,000.00 from the "Recommended 2011 Budget". Mr. Ward

explained that when the budget is finalized during the budget hearings, that \$55,000, or a number determined in the budget process, will be carried over to the Final 2011 budget column.

PLANNING BOARD

Administrator Ward noted that the first page is the summary page which indicates a 15.16% reduction. He stated that the salaries listed on Page 2 have remained stable. Mr. Ward advised that, in dealing with the operating expenses, he and the Mayor sat down with virtually every professional and reviewed their contracts to try and come up with a more efficient format. He said that a significant adjustment was attained with the Planning Board Attorney's contract. Mr. Ward explained that they were able to negotiate the retainer fee from \$30,000 to \$9,000, giving us a \$21,000 saving for the Planning Board Attorney. Administrator Ward noted that the Township Attorney, Planning Board Attorney and Public Defender were all involved in negotiations and he estimated that a total saving of \$45,000 to \$50,000 will be realized among those three entities. Councilman Andes asked if there is much less activity in the Planning Board that results in the decreased legal fees. Mr. Ward replied that is a part of it, but the actual number of meetings since this contract was negotiated eight to twelve years ago has also decreased; only 20 meetings per year are scheduled and 8 were canceled last year. Mrs. Goble interjected that \$10,000 was transferred from that budget because there was an excess in there for litigation fees for the Master Plan that were not used. President Kuser asked if money has been put aside for the Master Plan. Mr. Ward replied that \$4,000 has been put aside but originally in putting together the budget for litigation, which is always a big question mark number, they allotted \$15,000. He added that one of the only pending lawsuits was just decided in Superior Court. Mr. Kuser asked how much is in the bucket for the Master Plan. Mr. Ward advised that there is \$4,000 appropriated for that.

Councilwoman Smith asked if the Master Plan is done when the 2010 Census is released, which would be around 2012. She suggested that a fund should be built up for it because it really doesn't get re-done until the census data is out.

The Mayor noted that this is a review year for any elements that need to be revised and the Planning Board will decide what it really wants to do. He said that in 2012 the Master Plan will be re-done. Mrs. Smith said that we really should not need a lot of money for it. The Mayor replied that we shouldn't need a lot but we will be spending time on it and we may need some professional services.

CFO Goble explained that sub accounts can over-extend because other sub-accounts, that have excess funds, can be used to cover the overage.

Mr. Kuser asked if it would not be prudent to start the Master Plan now and spread it over two years.

Mayor Hussa replied that was what he meant by reviewing it this year at the Planning Board level.

ZONING BOARD OF ADJUSTMENT

Administrator Ward noted that, although it is not as large as the other two departments we have discussed, there is a significant decrease of 2.32% in this budget over last year's. He advised that some adjustments were made as to whose salaries were to be charged to this budget, based upon the amount of time they spend on zoning. Mr. Ward explained that the Construction Official previously had a portion of his salary charged to this budget but, in the 2011 budget, Denean Probasco, Nick Rosania and Sal Poli will be the only salaries that are charged to the Zoning Board of Adjustment.

Mr. Ward advised that in the operating budget there is a minimal decrease of \$100 in the Recommended Budget over the Proposed Budget. He noted that in the Litigation line, which is the big unknown, there was a significant difference between what was appropriated and what was actually spent last year and that is one of the lines that we did decrease slightly. Mr. Ward said that they felt comfortable with putting in \$8,000 rather than \$10,000, even though that line is the great unknown.

Mayor Husa interjected that some of these numbers will be adjusted because they are just starting to process the budgets.

Councilman Fitzpatrick commented, noting the difference between the 2010 Expenditures and the 2011 Recommended budget, that when we get to the final number crunching of the budget it will be difficult to find any cuts in this budget.

President Kuser stated that, at the Library Board meeting, the Board was very proud of the fact that they are 100% funded for sick time payout. He asked if we are as well.

Mrs. Goble replied that we would never be 100% with the amount that we have from our Police Department. She explained that, looking at the 2010 budget, there is \$500,000.00 left in reserve for sick and we will be charging a Lieutenant and a patrolman, for the full year to that, as well as a Park official and a Sewer official. Mrs. Goble noted that those retirements will use quite a bit of that reserve. She explained that this is the reason why we move excess funds from 2010 into the reserve fund.

Mr. Kuser asked if this is all contractual or could we arrange it in such a way that they would be paid yearly. Mrs. Goble replied that it is and, in order to change that, the contracts would have to be re-negotiated. She noted that the State has just passed a new law but it is for anyone who is not grandfathered. Mrs. Goble advised that the new law limits the payout to \$15,000 per year for new hires. She said that anyone hired before 1996 is under contract for a certain amount and anyone hired after 1996 is a much lower amount. CFO Goble emphasized that there is always money left over in the budget which goes into the fund balance in the next year so that there is always money in there to help fund the reserve. She added that, if the Council starts taking \$5,000 from various budget overages of 2010, they will hurt themselves in 2012.

SHADE TREE

Administrator Ward advised that the Shade Tree budget covers the planting of trees as well as the removal of trees that are dead, dying or in jeopardy of falling on public property or right-of-ways. He noted that there were some unexpected expenses in

2010 and funds had to be transferred into this budget. Mr. Ward asked Mr. Rosania to further explain this budget.

Mr. Rosania explained that because of excessive rain, the ground became soft and a number of trees fell or were uprooted, including good, healthy trees. He said that a more liberal approach has been adopted whereby, if a tree is a problem, it is taken down rather than put on a watch list. Mr. Rosania stated that the budget has been kept fairly tight over the years but we have now had to exceed it, as an emergency sort of item. He said that we are now trying to plan logically for what we will need over this next year.

Mr. Kuser asked if this includes the times that the Public Works people come out for a fallen limb. Mr. Ward advised that this is for hiring a tree contractor.

President Kuser announced the following dates for budget hearings:

Thursday, February 3 rd	7 p.m.	DPW
Thursday, February 10 th	7 p.m.	Police and Fire Departments
Saturday, February 12 th	9 a.m.	Recreation and General Discussion
Thursday, March 3 rd	7 p.m.	Discussion
Thursday, March 10 th	7 p.m.	Discussion

Ed Banagan, 38 Old Mill Drive, stated that he came to this meeting because it was advertised, but he feels that the public cannot even ask a question and wouldn't know what to ask without having the sheets that the Council has. He said that this seems like a workshop meeting for the Council.

President Kuser advised Mr. Banagan that there will be a budget book available to the public and that the Council received these budget sheets when they walked in this evening.

Mr. Banagan replied that he is not criticizing the Council, but he does not see the point in inviting the public when the session is for the Council to work on the budget and the public does not have the materials, or understanding, to take part in the meeting.

Mayor Hussa assured Mr. Banagan that he will be provided with anything that he wants and noted that this is the first budget meeting. He said that Mr. Banagan may have copies of the sheets that the Council has before them and, as President Kuser stated, there will be a budget book available for public scrutiny, as has always been done in the past. Mr. Banagan said that he appreciates that but his point is that the members of the public that have come out for this meeting have no idea about what the Council and Administration are discussing.

President Kuser stated that he agrees and suggested that the overhead projector should be used, with a laptop, to bring up the specific pages that the Council is discussing so that the public can follow along.

The Mayor said that is a good idea and we will do that.

Mr. Banagan said that, if they do that, they still will not allow the public to ask a

question. Mr. Kuser replied that there is always a public portion. Councilwoman Smith clarified the process of budget meetings and suggested that members of the public can ask questions regarding items covered in a particular budget meeting during the public portion of the next meeting, either a regular Council meeting or a budget meeting. She noted that the public portion is usually held at the beginning of each meeting. Mrs. Smith agreed with Mr. Kuser's suggestion to put the budget sheets on the overhead and noted that the public might also benefit by listening to the Council members' questions and discussion. Robert Belz, 7 Memory Lane, agreed with Mr. Banagan that the public should have access to the material being discussed at each budget meeting, instead of having to wait for a full budget document to be available. Mr. Belz asked if the tree contract is put out for bid every year. He was advised that it is done every couple of years.

ROADS

Mayor Husa noted that he and Mr. Ward went out and looked at every road. He said that the Council has their recommendations and he will go over them very briefly. The Mayor asked if the Council members have had a chance to look at the roads. It was noted that, due to the recent inclement weather, not all members have had an opportunity to see all of the roads.

Mayor Husa noted that Broadway and Palmer Road will be taken care of by a grant. He said that Hillcrest Drive has a small area at the top that has recently been resurfaced and suggested that that section not be included when the rest of Hillcrest is done. The Mayor further suggested that parts of Hillcrest be widened while it is being resurfaced, where feasible.

Mayor Husa advised that a commitment was made to do the upper part of Florence Avenue

The Mayor said that Freeman Lane is very chewed up and then asked if that road was supposed to be part of the sewer project. Mr. Ward replied that Freeman Lane will not be charged to the General Capital, it will fall under the sewer project.

President Kuser commented that he thinks everyone is in agreement that the sewer project roads need not be discussed.

Mayor Husa commented on the rest of the roads that he and Mr. Ward are recommending:

Cedar Lake Road is in pretty bad condition.

Redwood Road from Birch Run to Magnolia

It was noted that a fiber optic cable was installed in that area but President Kuser stated that the road had actually disintegrated and the condition of the road was not caused by the cable. Mrs. Smith suggested that it might be helpful to have a list indicating when a road that is proposed for resurfacing was last paved.

King Hill Court has areas that are beginning to disintegrate.

West Shore Road is in poor condition for the length of the road.

The Mayor advised that there were other roads, such as Cramsey Place, that need

attention but can be patched for the time being. He said that he and Mr. Ward did make notes on other roads and, if Freeman Lane is removed, something else could perhaps be added. The Mayor added that they would like to keep the cost at about \$300,000.

Councilwoman Smith interjected that, with the roads presented, the cost is at \$264,000 and with the 15% added, the total is \$304,000 so there may not be funds to add other roads, if she did her math correctly.

Mayor Husa asked if she took Freeman Lane out. Mrs. Smith replied that she did. The Mayor said that the Council may have to switch a road and that is what this discussion is all about. He added that last year a commitment was made to do one road with crack sealer but has not had a chance to speak to the Engineer about that. Mr. Husa asked if anyone had looked at Black Birch Drive, noting that it is in Denville but access is through Randolph. He commented that it is well preserved by the crack sealer that was put on about 10 years ago. Mr. Kuser and Mr. Rosania advised the Mayor that the crack sealer was applied last year. The Mayor strongly advocated looking into a crack sealer program to decrease the need for full road resurfacing. Mayor Husa advised that he has spoken with Mine Hill and they have a machine that is used in this process and they are willing to either share it with us or sell it to us because they don't use it that much. He spoke of some of the drawbacks that have been noted with crack sealing but said that he is not proposing an extensive use of this method. The Mayor stated that it is something that could save big money in the long run. He suggested doing four roads a year and said that it would start paying off down the road. The Mayor said that he is going to look into this machine, work with the Engineer and perhaps do a couple of roads this year. He noted that he is open to suggestions from the Council.

Councilwoman Smith stated that she would like a letter from Mine Hill, from either the Engineer or Administration, as to why they are willing to sell the machine, and why they haven't used it.

The Mayor replied that it is because the machine is broken but, we can probably get it and fix it very cheaply.

Mrs. Smith retorted that if it is broken, Mine Hill could repair it and use it. She said that she wants to know why they are willing to give it away if it is such a good idea to do crack sealing. Mrs. Smith noted that Mine Hill has plenty of roads and, if the program is so good, why have they not repaired the machine and been using it.

Councilwoman Smith stated that she has seen portions of Black Birch Dr. that are in very poor condition but she is not sure if it was a portion that is in Randolph. She said that she is willing to try this program but that the funds do not come out of the road resurfacing budget.

Engineer Rosania explained that the Mayor brought up the crack sealing last year to be done on a trial basis and Black Birch was the road that was chosen for that trial. He said that some of the streets are too far gone for crack sealing and Black Birch was done as an experiment. Mr. Rosania noted that the man who was doing the work

wasn't very happy with the result. He said that it is a short-term fix and does move the street down the list but there were some resident complaints about it. Mr. Rosania commented that getting the machine and having DPW go around town and seal cracks in the streets is a good suggestion but, looking at our proposed paving list, trying to get away from paving streets by using crack sealer is probably not a good idea.

The Mayor responded that what he is saying is, if a street that was done three or four years ago and is just starting to get a few cracks, sealing the cracks would be a low-cost way to prolong the life of that street.

Councilman Golinski commented that he thinks prolonging the life of the roads is a great idea but, he does not think it is appropriate for this list. He said that getting the machine and repairing roads with crack sealer would be a good thing to look into.

Councilman Andes advised that one of the classes that he attended at the League Convention addressed the reality of doing less with less, as time goes on. He said that he spoke with Mr. Ward about our need to develop long term planning for roads. Mr. Andes suggested that the number of miles of roads we have in town be calculated, along with the life expectancy of the roads. He said that, of course, that statistic will vary depending on the usage of the road but we could at least get an average. Mr. Andes stated that he feels that a long-term plan could prevent a situation where there are too many roads that need paving and not enough money to pay for it. He said that he thinks we should have an estimate of what we should be budgeting yearly in order to keep up with the roads.

Engineer Rosania said that we have been monitoring the over 100 miles of roads in Denville and, in his opinion, have been putting an adequate amount in to maintain the roads. He said that the sewer project and water main projects have caused spikes in the paving list. Mr. Rosania noted that we have been keeping up with the paving quite well and that we put a significant amount into the budget each year.

Mr. Andes replied that he is aware of how much goes into the budget but is afraid that we won't be able to keep up. He noted that he has concerns about the Rock Ridge and Cedar Lake areas because all of those roads are 18 years old and are starting to deteriorate. Mr. Andes pointed out that, conceivably, they could all require paving at the same time.

Mr. Rosania replied that he understands Mr. Andes's concerns and explained the difference between the types of roads and how they are constructed. He said that the rate of deterioration of the lake roads depends on several factors and are not all likely to deteriorate at the same rate. Mr. Rosania agreed with Mr. Andes in that the more money that is budgeted, the better equipped the town will be to deal with the roads.

Councilwoman Smith interjected that she supports Mr. Andes on this. She said that what she thinks he is asking for is a statistical analysis of our roads, we need to know what year each was paved, noting whether it is a lake or modern road and the condition of the road as of 2011. Mrs. Smith commented that, what Mr. Andes is saying is, that we need to analyze; we can't just guess. She said that we need to project out from this and she started on that by asking for an Excel spread sheet, which she still has. Mrs.

Smith noted that we need to be able to look at the roads and see that, if a road is 18 years old, in all probability it will need paving in a couple of years and we could plan for that.

Mr. Andes added that the Norton sewer project roads are about 18 years old, with an expected life-span of 20 years; in two years time the Openaki/Kitchell sewer project roads will have settled and be ready for paving, at the same time that the end of the life-span of the Norton roads occurs. He said that we could be looking at having to pave all of those roads at the same time. Mr. Andes emphasized that we need an estimate of how many miles of roads we need to do in a year in order to keep pace.

Councilman Shaw commented that, in his opinion, the roads in Denville have never been in as good shape as they are now.

Mr. Kuser noted that Administration will work on that. Mr. Ward said that he will work with the Engineer.

President Kuser suggested that the Council work off Mr. Rosania's list to determine their priorities for road paving. He asked Mr. Andes to begin with the roads that he feels should be a priority.

Mr. Andes listed the following roads as his priorities:

Cedar Lake Road from Morris Ave. to Cedar Lake East

Station Road at the top more than the bottom.

East Glen at the turn; do 1/3 of the road

Redwood Rd.

Claude Ave.

Cramsey Place should be considered

Sunderland Rd.

Florence Avenue

Hillcrest Rd. do 1/3 per year, starting at the bottom and widen

Mary Avenue- Mr. Andes characterized this road as a hornet's nest but said that he believes that there should be safe access. He said that it is true that we don't own it but a paved road would not only make it safer for the few residents that live there but, it would enhance the property value for them and for the property that the Township owns back there. Mr. Andes stated that the Council members need to put their heads together and find a solution that would provide safe access. He said that he thinks that there should be a recommendation from Administration on this issue.

Vanderhoof and Stewart - industrial streets. No great need to pave

West Shore Road - some very rough spots

King Hill Court - very bad shape

Mr. Andes asked Mr. Ward about a drainage problem on Cedar Lake West that they had met with residents to discuss. He asked if Mr. Ward and Mr. Egbert had come to any resolution on that. Mr. Ward replied that he believes that Mr. Egbert was going to have a berm installed shortly after that meeting. He said that he will check with Mr. Egbert.

Councilman Fitzpatrick asked if he might go by the Mayor's list.

President Kuser replied that he would prefer to stick to the Engineer's list adding that, they are the same roads but the Engineer's list is more comprehensive.

Mr. Fitzpatrick commented that the grant roads and sewer roads obviously do not need to be discussed. He said that, with regard to the previously considered list, he agrees with Cedar Lake Rd. and Station Road, he has to see Redwood Rd., East Glen could be considered but he doesn't know if it is major. Mr. Fitzpatrick added that he totally agrees with Hillcrest, Florence and King Hill Ct. and thinks that West Shore is on the brink. He commented that Ironwood Trail in Lake Arrowhead might be considered. Mr. Fitzpatrick said that at a glance it may not seem bad, but he believes it has already been patched and noted that the patches don't hold and they bleed into the lake.

The Mayor said that he will check that out this week.

Mr. Andes noted that sewers were installed in Lake Arrowhead at the same time as Rock Ridge Lake and Cedar Lake.

Councilwoman Smith reiterated that she has not seen the roads this year so she will reserve her comments on individual roads. She said that, from memory, she is in agreement with Mr. Andes and does recommend that, when doing a road like Hillcrest, which is such an extensive project, that the project be done in thirds. Mr. Andes interjected that, when doing one of these 1/3 of the road projects, we should make the commitment that we will complete it in three years.

Mrs. Smith asked how comfortable we are that we are going to get money from NJDOT for the grant in 2011. Mr. Rosania replied that we are confident but not comfortable that we will get the grant. He added that Palmer Road needs to be done whether we get the grant or not but Broadway could probably be deferred, if necessary. Mrs. Smith commented that it is difficult to come up with a final list if we don't know what we are getting from NJDOT. She said that, if we have to pay to do Palmer Road, it will change the make-up of the list.

Mrs. Smith noted that Stearns Terrace has been fixed and she complimented the job saying that it is a major improvement. She mentioned a few prospective roads that could be patched in that area. Mrs. Smith stated that she will come back with additional comments that she feels may benefit the Council, after she has had a chance to look at the roads.

Administrator Ward stated that the DOT awards are typically made in November. He added that the funding for this is from a dedicated fund; he said that every time you fill your gas tank, a part of the gas tax goes into that fund that is distributed to the municipalities. Mr. Ward noted that Mr. Rosania stated it best when he said that we are uncertain, but confident. He said that, hopefully, we will receive word soon.

Councilman Shaw stated that he has a question concerning Ford Road from Beaver Brook to the bridge. He said that he feels that road is o.k. and he travels it every day. Mr. Ward replied that the worst section is actually on the other end, from the 100 range to the end of Ford Road. Mr. Rosania commented that it was not a sewer section. He explained the plan to do the road in segments. Mr. Ward added that it is in the water

section. Mr. Shaw noted that, from Beaver Brook to Morris Avenue, one-half of the road is in Rockaway Township so anything that is done there should be done in conjunction with Rockaway Township. Mr. Shaw stated that Vanderhoof, from the railroad tracks to the entrance to Route 80 has been patched before and they did a good job. He said that, with regard to Hillcrest, he also agrees with Mr. Andes that it does not all have to be done at one time. Mr. Shaw noted that some patching has been done, but a 1/3 section should be chosen for this year and the project should be completed in three years. Mr. Rosania suggested that the best way to segment the road would be to start at the end and work out. Mr. Andes said that he would defer to Mr. Rosania's expertise on that.

Councilman Stecky advised that he has not had a chance to look at the roads. He said that he remembers from last year that Redwood, East Glen and Hillcrest need paving and agrees that Hillcrest should be done in segments. Mr. Stecky added that Ford Road, in the area where the water main work was done, needs attention.

Councilman Golinski stated that he likes the recommended list from the Mayor and Administrator. He said that he likes the idea of doing 1/3 of Hillcrest and suggests that, with the money saved by doing that, that 1/3 of East Glen be done upstream from the bend, or whatever section the Engineer may recommend.

Mr. Golinski advised that he will be asking the Council, at a later date, to declare a National Slow Down Day on May 1st, in memory of a child who was killed in a residential area. He noted that, as soon as roads are paved, people start speeding on them.

President Kuser gave his opinion on the roads, as he observed them on a scale of 1 to 5, 5 being the worst.

Cedar Lake Road - 4

Morris Ave. in the Cedar Lake area - 4

Station Road - 4

East Glen - do 1/3 this year

Redwood - 5

Claude Ave. at Parks Road - patch

Cramsey Place - 4 Conditions vary and road is dangerous for cars and pedestrians.

Elder Place - Heavy pedestrian traffic and road is in terrible shape.

King Hill Court - In very bad shape, needs to be paved.

Mr. Kuser noted that he would like to add, for 2012, parts of Birch Run which will be a piece meal application. Mr. Rosania commented that paving Birch Run in a sequence was started about ten years ago.

Florence Ave. - 5

Vanderhoof - no need to pave.

West Shore Road - 3 in sections.

Mr. Kuser commented that Station Road is really deteriorated at the top of the road. Administrator Ward stated that he can revise the list and noted that for the second tier,

he and the Mayor had included a portion of East Glen, Station Road, Elder Place and Cramsey Road. The Mayor interjected that the list they presented to the Council was within the target budget. He said that they can easily add other roads, once they take out Hillcrest. Mr. Ward added that he will recalculate after the sewer roads are removed.

Councilman Andes added to his suggestion for a long term road plan, stating that he thinks the same kind of plan should be devised for catch basins. He said that, if roads last 20 years, he would think that catch basins last only half that long. Mr. Andes stated that he thinks that catch basins should be Part B of the long-term plan.

Mr. Andes asked Mr. Rosania how the water main project is proceeding on Beaver Brook and how close it is to being finished. Mr. Rosania replied that, with the leveling course that was done when the street was paved, the street turned out very well. He said that there are fewer puddles on that street than ever before and it is very drivable. Mr. Rosania advised that the water main project is going well and they expect to be out to bid in the spring. Mr. Ward added that the plans and specs are being worked on now.

Mr. Andes asked if the project would be completed by Fall. Mr. Rosania replied it will be Summer or Fall. Mr. Rosania noted that the final paving will be done in 2012, but it will not be as disruptive as the sewer project was.

Mr. Kuser noted that two residents have expressed their pleasure with the work and how it has changed their lives.

Mr. Golinski asked if there have been any water main breaks in the last eight months on Beaver Brook. Mr. Rosania replied that he is not aware of any. Mr. Golinski asked if not replacing the water main should be considered. Mr. Rosania replied that the other factor is the residents' concern about the asbestos cement pipe and its attendant health issues. He said that these factors were taken into consideration when making the decision to replace the main. Mr. Rosania noted that Mr. Golinski's point is well taken now that the area is stabilized. The Mayor added that the water quality test came back clean, with no excessive asbestos in the water. There was a brief discussion concerning the probable reaction of the residents to a decision not to replace the main. Mrs. Smith interjected that the levels came back as "acceptable" and asked if we know what the prior levels were and if it is increasing and approaching a "non-acceptable" level. She said that is really the answer to look into first.

Mr. Rosania advised that no recent tests, in terms of asbestos, have been done by either the Health Department or the DPW. He said that, if the Council wishes to do those tests, they should be done fairly quickly. Mr. Rosania stated that, as the Council has promised the residents, we are in the process of doing plans and specs for the project. He noted that, if the tests come back as acceptable, and the Council decides not to do the project, we should know that sooner rather than later, if we are going to stop the project. Mr. Kuser commented that he thinks we should go forward since we have already spent money on the project and the residents do have legitimate concerns.

Mr. Kuser said that they will wait for a report from Administration. Mr. Ward noted that he will coordinate a new water test with Mr. Norgalis.

Mr. Kuser asked if they are going to do another water test. Mr. Rosania replied that, if they want an answer to Mrs. Smith's question, they will have to do a test.

Mr. Andes stated that he would not feel comfortable not doing the project. He said that, if there are any safety issues at all, we have to do the water main.

The Mayor replied that they are not suggesting that the project be stopped. He said that he just wants to meet with them to get a general status on various issues.

Mrs. Smith stated that if the thought is to tell the residents that the project is being stopped, then the test needs to be done; if the project is proceeding, there is no need to expend funds on testing. Mr. Rosania said that what he is hearing from the Council is that they are committed to continue the project, so there is no need to do more.

The Mayor reiterated that he just wants to speak to the residents on the status of all of their issues. He invited Mr. Golinski, as the Ward Councilman, to participate in that meeting. Mr. Golinski accepted the invitation.

Mr. Ward advised that there are some capital items from the Engineer's budget that he would like to go over.

Administrator Ward noted that typically, some of these are recurring items and a little bit is put into the budget every year for them. He advised that, historically, we have put \$10,000 per year in the budget for curb replacement but it is being increased to \$14,000 this year.

Mrs. Smith noted that, on the capital items page, the budgeted amount for road paving is \$310,000 for 2011 but is \$500,000 for the next five years. She said that is lower than we planned but not necessarily lower than what we did.

Mrs. Goble interjected that the \$500,000 included grant money. She said that we start with the \$500,000 and then deduct the grant money when we receive it.

Mrs. Smith asked where the Indian Lake wall stands.

Mr. Rosania replied that the wall has been repaired and Mrs. Smith would have to speak to Mr. Ward and some others who were committed to fixing and replacing it, as needed. He said that, originally, to replace the entire wall, approximately \$300,000 was put in there. Mr. Rosania noted that, the fiscal situation being what it is, \$15,000 was put in for "as needed" repairs. Mr. Ward said that is correct and that it is the East Shore wall that Mr. Rosania is referring to. He stated that when he began his employment with the Township in August or September, he and Mr. Rosania went over there and examined the area with tax maps. Mr. Ward advised that it became apparent that the East Shore wall was in the public right-of-way and that the Township had a responsibility there to repair the deteriorating wall. He said that we did make that repair and it was determined that, because other sections eventually may need repair, we would put \$15,000 in the budget for that purpose. Mr. Ward advised that the cost for the section that we replaced earlier this year was about \$13,000. The Administrator stated that the Township's position remains that the North Shore wall is outside of the

right-of-way and is a maintenance and neglect issue. Mr. Ward reported that he has communicated to the Lake Association, within the last couple of months, that it is the Association's responsibility to take corrective action there.

Mrs. Smith asked if we usually put money in the budget for the Cook's Pond Dam.

Mr. Rosania said that he was going to ask that question. He noted that there was a meeting recently and there were several things in the budget, but editing it with Marie and Steve there was something in there for Cook's Pond Dam. Mrs. Goble stated that when they reviewed, there was still \$10,000 in there that was not used last year. She said that 2009 money and 2010 money is still available. Mrs. Goble advised that if something really big happened, it would be treated as an emergency appropriation. She added that there are funds available to do the studies that we have been doing every year.

Mrs. Smith asked for a memo from Mr. Rosania regarding the status of the Cook's Pond Dam because she knows there have been issues about the dam.

Mr. Rosania replied that the dam is in fairly good shape. He said that remedial measures are being undertaken this year and he explained what some of those measures would be. Mr. Rosania advised that in 2012 the State will notify the Township if it accepts the Township's position that the status of the dam should be lowered and the Township would not have to do anything.

Councilman Golinski commented that he is not convinced that the North Shore retaining wall issue is resolved. He said that he feels some funds should be budgeted for some contingency or participation to support the repairs because the sole purpose of the wall is to hold up the road. Mr. Golinski stated that he has not seen evidence that it is not the Township's responsibility. He said that this Council agreed that we would support it, at least partially, but we could not work out a solution. Mr. Golinski advised that he would like to keep some type of contingency there and some plan to support at least a part in the remediation of that issue. He said that is a key roadway and the wall holds it up.

Mayor Husa noted that he will get a legal opinion on that.

President Kuser stated that he would like to discuss the curbing. He said that it is a great program and that there are curbs that are deteriorating and they need to be replaced before the road is re-paved. Mr. Kuser noted that Mr. Rosania told him that the curbs cannot be replaced without disturbing the road.

Mr. Kuser said that he would also like to talk about the North Shore Road wall. He stated that he implores the Administration to get out there and look for DOT grants, Federal, State or whatever. Mr. Kuser commented that the legal opinion doesn't matter because when that wall collapses hopefully no one will be hurt. He said that wall is falling down and is a disgrace in our town because our town is starting to collapse. Mr. Kuser noted that the sidewalk is collapsing and putting down two safety cones is not the answer. He said that if Administration truly believes it is the responsibility of Indian Lake, then they need to go after them and get them to take care of it. Mr. Kuser stated

that it is not a matter of whose fault it is, it is happening, and the town has the resources and know-how to do it. He suggested that the town needs to focus on obtaining a grant because this is one of the most pressing safety issues in the town at this time. Mr. Kuser suggested going to the Army Corps of Engineers and maybe they can design something and get a grant for it. He said that the Township should either sue the Indian Lake Community or find the money to take care of this.

The Mayor asked Mr. Ward to repeat to Mr. Kuser what the Mayor said yesterday about the problem. Mr. Ward said that the discussion was very similar to what Mr. Kuser has suggested: seeking grants, discussing with our attorney whether or not it is our responsibility and, if it is not our responsibility, getting the responsible party to take action to repair it. Mr. Ward noted that they want to take a comprehensive look and get it fixed.

Councilman Shaw noted that he has been through a few of these budget meetings and he knows that everyone wants their own little thing. He said that he knows we have a lot more work to do, but if all of these workshops are contributing to an increase in taxes, he will vote no on the budget and he wants the Council to know that right from the beginning.

Councilman Stecky commented that he thinks that a zero budget is a good target and the reality of it is that government is getting too big. He said that we are looking at a government "bubble". Mr. Stecky noted that it was stated in the newspaper the other day that it could be a way for states to go bankrupt. He said that he has heard it said that we should hold our increases to small amounts but the budget is always going to go up and we will always spend a little bit more money than we did last year. Mr. Stecky commented that his answer to that is that it is not going to work anymore. He said that the worst case scenario would be a zero budget and, better than that would be a minus 2% from last year's budget.

President Kuser said that it is then the Council's responsibility to come up with specific cuts and when Administration comes to the Council with a recommendation, don't just vote no on it, come up with some great ideas. He said that, when he became Council President, he stated that voting no does not make one a fiscal conservative it makes one short-sighted. Mr. Kuser advised that the Council needs to see where the cuts can be taken without hurting the public.

Mr. Stecky responded that sacrifices will have to be made; he said that the police building is one item that he disagrees with. He noted that he has offered, and will continue to offer, ideas on how to cut, and the cuts will hurt.

Councilman Andes commented that, before anyone makes political statements about the budget, they should wait until they see what Administration is presenting to them. He said that they may be doing a really great job and will present a budget that does not have an increase. Mr. Andes suggested that the Council hear everything first, before making political statements. He said then we can make suggestions and when the Council agrees, move forward with the best budget for Denville. Mr. Andes stated that he feels that would be our best plan of action.

Township Council
1-22-11
Page 23

Councilman Shaw noted that his was not a political statement, it is a fact. He said that he has been through many budgets and the people voting on the budget always leave their own favorite little thing in there and that's how we go over budget. President Kuser asked Administration to shoot for a zero budget this year. Mayor Husa replied that on the top of his binder is "2011 Flat" and he showed that to Mrs. Goble the other day. Mrs. Goble said that it was, in fact, yesterday.

President Kuser asked for a motion to adjourn.

MOTION TO ADJOURN: MOVED BY MEMBER SMITH, SECONDED BY MEMBER FITZPATRICK

AYES: SMITH, FITZPATRICK, ANDES, GOLINSKI, STECKY, SHAW, KUSER

MEETING ADJOURNED AT 12:46 P.M.

Respectfully submitted:

Kathleen A. Costello
Deputy Township Clerk